

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN DARRAGH and DEPARTMENT OF THE NAVY,
NAVAL INVENTORY CONTROL POINT, Philadelphia, PA

*Docket No. 00-968; Submitted on the Record;
Issued March 6, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an emotional condition causally related to compensable work factors.

In this case, appellant, a 40-year-old equipment specialist, filed a claim on July 31, 1998 alleging that he sustained an emotional condition causally related to his federal employment. By decision dated November 24, 1998, the Office of Workers' Compensation Programs denied the claim on the grounds that no compensable work factors had been established. In a decision dated October 13, 1999, an Office hearing representative affirmed the prior decision.

The Board finds that appellant has not established that he sustained an emotional condition causally related to compensable work factors.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which he claims compensation was caused or adversely affected by factors of his federal employment.¹ To establish his claim that he sustained an emotional condition in the performance of duty, appellant must submit: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to his condition; (2) medical evidence establishing that he has an emotional or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to his emotional condition.²

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or illness has some connection with the employment but nevertheless does not come within the coverage

¹ *Pamela R. Rice*, 38 ECAB 838 (1987).

² *See Donna Faye Cardwell*, 41 ECAB 730 (1990).

of workers' compensation. These injuries occur in the course of the employment and have some kind of causal connection with it but nevertheless are not covered because they are found not to have arisen out of the employment. Disability is not covered where it results from an employee's frustration over not being permitted to work in a particular environment or to hold a particular position, or secure a promotion. On the other hand, where disability results from an employee's emotional reaction to his regular or specially assigned work duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.³

In the present case, appellant has alleged the following: (1) that he was subject to an increasing and excessive workload, which resulted in an inability to meet deadlines; (2) that he was given insufficient training; (3) that he had to answer to coworkers who were not supervisors; and (4) that he had confrontations with his supervisor.

With respect to an allegation of an excessive workload, the evidence of record is insufficient to substantiate the allegation. Although overwork may be a compensable work factor, the allegation must be substantiated by probative evidence.⁴ In a statement dated October 14, 1998, a supervisor, Thomas Brown, indicated that appellant's workload was light, and his workload was reduced while he was in training. In a memorandum dated July 29, 1999, an injury compensation administrator stated that appellant's workload was the lightest in appellant's division. The Board is unable to find any probative evidence that is sufficient to establish a claim based on overwork in this case.

The remainder of the allegations are in the nature of administrative actions by the employing establishment. It is well established that administrative or personnel matters, although generally related to employment, are primarily administrative functions of the employer rather than duties of the employee.⁵ The Board has also found, however, that an administrative or personnel matter may be a factor of employment where the evidence discloses error or abuse by the employing establishment.⁶

Appellant has alleged an erroneous lack of training in this case,⁷ but again the record is insufficient to substantiate the claim. The supervisor's October 14, 1998 statement, for example, reports that appellant was provided with both formal and informal training; he was always teamed with a skilled technician to provide input as needed. With respect to confrontations, appellant provided only a brief statement that the supervisor stated that appellant was preventing him from promotion and receiving group awards and the supervisor denied these allegations.

³ *Lillian Cutler*, 28 ECAB 125 (1976).

⁴ *See Robert W. Wisenberger*, 47 ECAB 406 (1996); *Sandra F. Powell*, 45 ECAB 877 (1994).

⁵ *Anne L. Livermore*, 46 ECAB 425 (1995); *Richard J. Dube*, 42 ECAB 916 (1991).

⁶ *See Michael Thomas Plante*, 44 ECAB 510 (1993); *Kathleen D. Walker*, 42 ECAB 603 (1991).

⁷ Appellant stated that he had to work on new equipment without adequate training.

The Board accordingly finds no probative evidence of error or abuse by the employing establishment in an administrative matter. Appellant has not alleged and substantiated a compensable work factor as contributing to an emotional condition. Since he has not established a compensable work factor, the Board will not address the medical evidence.⁸

The decision of the Office of Workers' Compensation Programs dated October 13, 1999 is affirmed.

Dated, Washington, DC
March 6, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

⁸ See *Margaret S. Krzycki*, 43 ECAB 496 (1992).